

## LYNCHBURG CITY COUNCIL REPORT

Meeting Date: January 15, 2002

Council Report # 3

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Subject: Amend Section 25-132 of the City Code.

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Purpose of Action: To amend Section 25-132 of the City Code which exempts public safety vehicles from certain traffic regulations when responding to emergencies so the City Code will parallel State law.

Requested Action: Consideration of adopting the attached ordinance.

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Prior Action: None

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Attachments: See attached ordinance

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Resolution/Ordinance: See attached ordinance

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Other Information: State law exempts public safety vehicles from certain traffic regulations when providing emergency law enforcement, fire fighting and medical services. Section 25-132 of the City Code incorporates the provisions of the State Code into the City Code. The provisions of the State Code dealing with emergency vehicles have been amended and it is necessary to amend the City Code so it will be consistent with State law.

AN ORDINANCE TO AMEND AND REENACT SECTION 25-132 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE EXEMPTION OF POLICE, FIRE-FIGHTING, LIFE SAVING AND SIMILAR VEHICLES FROM CERTAIN REGULATIONS WHEN RESPONDING TO EMERGENCIES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 25-132 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 25-132. . Exemption of police, fire-fighting, etc, vehicles from certain regulations in certain emergencies.

~~-(a) The operator of any police vehicle operated by or under the direction of a police officer in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation; any vehicle used for the purpose of fighting fire, including publicly owned state forest warden vehicles, when traveling in response to a fire or emergency call; any vehicle owned by a political subdivision of the state for rescue purposes when traveling in response to a fire alarm or an emergency call; or any ambulance or rescue or life-saving vehicle designed or utilized for the principal purposes of supplying resuscitation or emergency relief where human life is endangered, whether such vehicle is publicly owned or operated by a nonprofit corporation or association, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:~~

a. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
2. Park or stop notwithstanding the other provisions of this chapter;
3. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;
4. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
5. Disregard speed limits, while having due regard for safety of persons and property;

6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline;

7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

b. The exemptions granted to emergency vehicles by subsection a of this section shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating ~~red~~ emergency light or lights and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary, and, only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to section 46.2-368 of the Code of Virginia. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

c. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered;

5. Any department of emergency management vehicle or office of emergency medical services vehicle, when responding to an emergency call or operating in an emergency situation; and

6. Any department of corrections vehicle designated by the director of the department of corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles or (ii) in testing the accuracy of

speed measuring devices specified in section 46.2-882 of the Code of Virginia.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

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